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GARNER, WERNER G

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/579,477 | Applicant(s) NISHINO ET AL. | |
| | Examiner WERNER GARNER | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/15/2006, 4/20/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Objections

1. **Claims 19-32** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants are required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. **Claims 13-18** are directed to a toy, whereas **claims 19-28** are directed to a data transmission method, while **claims 29-32** are directed to a data transmission system. Method **claims 19, 20, 22, 24, 26, and 27**, as well as **claims 29, 30, 31, and 32**, which are directed to a system appear to be dependent on the toy of **claims 13-18**. It appears that applicants may have intended **claims 19, 20, 22, 24, 26, 27, 29, 30, 31, and 32** to

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be independent claims. For the purposes of this examination, **claims 19, 20, 22, 24, 26, 27, and 29-32** are interpreted to be independent claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 13** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 6-7 indicate "the communication start data is outputted an external through the external connecting unit." It is unclear what applicant intended to mean by "an external". For purposes of this examination, examiner interprets the quoted language in claim 13 to read "the communication start data is outputted through the external connecting unit."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. **Claims 13, 17, 19, 24, 26, and 29** are rejected under 35 U.S.C. 102(b) as being anticipated by Katoh et al., GB 2,365,364 A (hereinafter Katoh).

Regarding **Claim 13 (New)**: Katoh discloses a toy comprising a storage unit for storing data (Katoh, memory (318) [P25:11-P26:3 and Fig. 10A]),

- wherein the toy comprises an external connecting unit capable of directly connecting with an external communication apparatus (Katoh, responder (310) [P20:9-P21:7 and Fig. 10A]),
- wherein the storage unit stores specific identification data and communication start data for starting a communication processing of the external communication apparatus (Katoh, ID code (318a) and communication program resident in toy (300) [P20:9-P21:7 and Fig. 10A]), and wherein the identification data and the communication start data is outputted an external through the external connecting unit (Katoh, information stored in toy 300 is read out to personal computer 100 via responder 310 [P20:9-P21:7 and Fig. 10A]).

Regarding **Claim 17 (New)**: Katoh further discloses

- wherein the storage unit pre-stores a part of contents data relating to a cartoon, an animation, a game or a movie, where a character according to an appearance of the toy itself appears, and wherein the part of the contents data can be read from the external through the external

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connecting unit (Katoh, storage medium stores data relating to an animation character printed on the surface of the doll that can be accessed over the network [P8:8-P9:3]).

Regarding **Claim 19 (New)**: Katoh discloses a data transmission method comprising steps of determining whether identification data is registered or not by a data transmission apparatus and transmitting data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus detects the connecting of the toy as claimed in claim 13 (Katoh, the reader detects the toy information [P53:24-P54:12]), reads the identification data and the communication start data from the toy when the connecting of the toy is detected (Katoh, read ID code (step S3) [P37:10-25] and [Fig. 19]), and transmits the identification data to the data transmission apparatus on the basis of the read communication start data (Katoh, the CPU 101 will read the ID code from the toy 300 through the reader (200) by executing the toy recognition program (106a) (step S3) [P37:10-25] and [Fig. 19]), and
- wherein the data transmission apparatus determines whether the transmitted identification data is registered or not (Katoh, CPU (101) judges whether the toy data is present in the stored toy data (106f) (step

S4) [P37:10-25] and [Fig. 19]), and transmits the data according to the toy to the communication apparatus when the identification data is registered (Katoh, if there is toy data for the ID code, the data is read out (step S6) [P37:10-25] and [Fig. 19]).

Regarding **Claim 24 (New)**: Katoh discloses a data transmission method comprising steps of determining whether identification data is registered or not by a data transmission apparatus and transmitting data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus detects the connecting of the toy as claimed in claim 16 (Katoh, the reader detects the toy information [P53:24-P54:12]), reads the identification data and the communication start data from the toy when the connecting of the toy is detected (Katoh, read ID code (step S3) [P37:10-25] and [Fig. 19]), and transmits the identification data to the data transmission apparatus on the basis of the read communication start data (Katoh, the CPU 101 will read the ID code from the toy 300 through the reader (200) by executing the toy recognition program (106a) (step S3) [P37:10-25] and [Fig. 19]),
- wherein the data transmission apparatus determines whether the transmitted identification data is registered or not (Katoh, CPU (101)

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judges whether the toy data is present in the stored toy data (106f) (step S4) [P37:10-25] and [Fig. 19]), and transmits data according to the toy to the communication apparatus when the identification data is registered, in which the data according to the toy includes data for operating the operation unit (Kato, if there is toy data for the ID code, the data is read out (step S6) [P37:10-25] and [Fig. 19]), and wherein the communication apparatus outputs the transmitted data for operating the operation unit to the toy (Kato, if there is toy data for the ID code, the data is read out (step S6) [P37:10-25] and [Fig. 19]).

Regarding **Claim 26 (New)**: Kato discloses a data transmission method comprising steps of determining whether identification data is registered or not by a data transmission apparatus and transmitting data to a communication apparatus (Kato, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus detects the connecting of the toy as claimed in claim 17 (Kato, the reader detects the toy information [P53:24-P54:12]), reads the identification data and the communication start data from the toy when the connecting of the toy is detected (Kato, read ID code (step S3) [P37:10-25] and [Fig. 19]), and transmits the identification data to the data transmission apparatus on the basis of the read

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communication start data (Katoh, the CPU 101 will read the ID code from the toy 300 through the reader (200) by executing the toy recognition program (106a) (step S3) [P37:10-25] and [Fig. 19]), and

- wherein the data transmission apparatus determines whether the transmitted identification data is registered or not (Katoh, CPU (101) judges whether the toy data is present in the stored toy data (106f) (step S4) [P37:10-25] and [Fig. 19]), and transmits another part of the contents data to the communication apparatus when the identification data is registered (Katoh, if there is toy data for the ID code, the data is read out (step S6) [P37:10-25] and [Fig. 19]).

Regarding **Claim 29 (New)**: Katoh discloses a data transmission system in which a data transmission apparatus determines whether identification data is registered or not and transmits data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus comprises
- a connecting unit capable of connecting with the toy as claimed in claim 13 (Katoh, reader (200) [P20:9-P21:7] and [Fig. 11]);
- a detecting means for detecting the connection of the toy with the connecting unit (Katoh, coil (202) [P33:3-13] and [Fig. 11]);

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- a data reading means for reading the identification data and the communication start data from the toy when the detecting means detects the connection of the toy (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]); and
- a transmitting means for transmitting the identification data to the data transmission apparatus on the basis of the communication start data read by the data reading means (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]), and
- wherein the data transmission apparatus comprises
- a determining means for determining whether the transmitted data is registered or not (Katoh, CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]); and
- a data transmitting means for transmitting data according to the toy to the communication apparatus when the determining means determines that the identification data is registered (Katoh, CPU 101 reads out the toy data from the stored toy data (106f) (step S6) [P37:10-25] and [Fig. 19]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 14-16, 18, 20-23, 25, 27-28, and 30-32** are rejected under 35 U.S.C.

103(a) as being unpatentable over Katoh in view of Okabayashi et al., EP 0,997,177 A2 (hereinafter Okabayashi).

Regarding **Claim 14 (New)**: Katoh discloses the invention as described above. Katoh fails to explicitly disclose wherein the toy further comprises a light emitting unit and a light emission control unit, which is for controlling light emission of the light emitting unit on the basis of data received from the external through the external connecting unit.

Okabayashi teaches wherein the toy further comprises a light emitting unit and a light emission control unit, which is for controlling light emission of the light emitting unit on the basis of data received from the external through the external connecting unit (Okabayashi, driving circuit (205) for driving LED (207) [0114]).

Okabayashi teaches a doll (200) that is able to move and light LED's based on commands received from a CPU (101) (Okabayashi, [0113]-[0114]). Although Okabayashi teaches the production of sound (including voice sound) via the speaker of a personal computer, Okabayashi notes that some toys come with speakers installed in them which would allow the toy to produce sounds without the need of an external speaker (Okabayashi, [0005]). Katoh discloses a toy (300) that stores information that may be detected by a reader (200), causing a computer to produce sounds and images

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(Kato, [Abstract]). Allowing a toy to light up, make sounds (including speaking), and move makes the experience more engrossing for users. Combining Kato with Okabayashi results in a toy that can make sounds, light up, and move based on commands received from a computer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the toy and information service system as disclosed by Kato with a doll that is able to move its extremities (as in **claims 16, 25, and 32**), turn on LED lights (as in **claims 14, 20-21, 30**), or make sounds (as in **claims 15, 18, 22, 23, 27, and 31**) as taught by Okabayashi in order to make the experience of playing with the toy more engrossing.

Regarding **Claim 15 (New)**: Okabayashi further teaches

- wherein the toy further comprises a voice output unit and a voice output control unit, which is for outputting a voice from the voice output unit on the basis of data received from the external through the external connecting unit (Okabayashi, doll has a speaker [0005] and software executed on CPU (101) outputs voice on speaker (106) [0113]).

Regarding **Claim 16 (New)**: Okabayashi further teaches

- wherein the toy further comprises an operation unit and an operation control unit, which is for operating the operation unit on the basis of data received from the external through the external connecting unit

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(Okabayashi, driving circuits (203) and (204) drive driving means (206) according to signals received by interface (201) [0114]).

Regarding **Claim 18 (New)**: Okabayashi further teaches

- wherein the toy further comprises a voice output unit and a voice output control unit, which is for outputting a voice from the voice output unit on the basis of data received from the external through the external connecting unit (Okabayashi, doll has a speaker [0005] and software executed on CPU (101) outputs voice on speaker (106) [0113]).

Regarding **Claim 20 (New)**: Katoh discloses a data transmission method comprising steps of determining whether identification data is registered or not by a data transmission apparatus and transmitting data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus detects the connecting of the toy as claimed in claim 14 (Katoh, the reader detects the toy information [P53:24-P54:12]), reads the identification data and the communication start data from the toy when the connecting of the toy is detected (Katoh, read ID code (step S3) [P37:10-25] and [Fig. 19]), and transmits the identification data to the data transmission apparatus on the basis of the read

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communication start data (Katoh, the CPU 101 will read the ID code from the toy 300 through the reader (200) by executing the toy recognition program (106a) (step S3) [P37:10-25] and [Fig. 19]),

- wherein the data transmission apparatus determines whether the transmitted identification data is registered or not (Katoh, CPU (101) judges whether the toy data is present in the stored toy data (106f) (step S4) [P37:10-25] and [Fig. 19]), and transmits data according to the toy to the communication apparatus when the identification data is registered (Katoh, if there is toy data for the ID code, the data is read out (step S6) [P37:10-25] and [Fig. 19]).

Katoh fails to explicitly disclose

- in which the data according to the toy includes data for controlling light emission of the light emission unit, and
- wherein the communication apparatus outputs the transmitted data for controlling light emission of the light emission unit to the toy.

Okabayashi teaches

- in which the data according to the toy includes data for controlling light emission of the light emission unit, and
- wherein the communication apparatus outputs the transmitted data for controlling light emission of the light emission unit to the toy (Okabayashi, driving circuit (205) for driving LED (207) [0114]).

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Regarding **Claim 21 (New)**: Katoh further discloses

- wherein the data according to the toy is contents data relating to a cartoon, an animation, a game or a movie, where a character according to an appearance of the toy itself appears (Katoh, storage medium stores data relating to an animation character printed on the surface of the doll that can be accessed over the network [P8:8-P9:3]).

Katoh fails to explicitly disclose

- wherein the data transmission apparatus transmits the data for controlling light emission of the light emission unit according to an action of the character in a scene of the contents data to be transmitted.

Okabayashi teaches

- wherein the data transmission apparatus transmits the data for controlling light emission of the light emission unit according to an action of the character in a scene of the contents data to be transmitted (Okabayashi, doll (200) receives operating data and drives LED (207) [0124]).

Regarding **Claim 22 (New)**: Katoh discloses a data transmission method comprising steps of determining whether identification data is registered or not by a data transmission apparatus and transmitting data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

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- wherein the communication apparatus detects the connecting of the toy as claimed in claim 15 (Kato, the reader detects the toy information [P53:24-P54:12]), reads the identification data and the communication start data from the toy when the connecting of the toy is detected (Kato, read ID code (step S3) [P37:10-25] and [Fig. 19]), and transmits the identification data to the data transmission apparatus on the basis of the read communication start data (Kato, the CPU 101 will read the ID code from the toy 300 through the reader (200) by executing the toy recognition program (106a) (step S3) [P37:10-25] and [Fig. 19]),
- wherein the data transmission apparatus determines whether the transmitted identification data is registered or not, and transmits data according to the toy to the communication apparatus when the identification data is registered (Kato [P37:10-25] and [Fig. 19]).

Kato fails to explicitly disclose

- in which the data according to the toy includes data for outputting a voice from the voice output unit, and wherein the communication apparatus outputs the transmitted data for outputting the voice to the toy.

Okabayashi teaches

- in which the data according to the toy includes data for outputting a voice from the voice output unit, and wherein the communication apparatus outputs the transmitted data for outputting the voice to the toy

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(Okabayashi, doll has a speaker [0005] and software executed on CPU (101) outputs voice on speaker (106) [0113]).

Regarding **Claim 23 (New)**: Katoh further discloses

- wherein the data according to the toy is contents data relating to a cartoon, an animation, a game or a movie, where a character according to a appearance of the toy itself appears (Katoh, storage medium stores data relating to an animation character printed on the surface of the doll that can be accessed over the network [P8:8-P9:3]).

Katoh fails to explicitly disclose

- wherein the data transmission apparatus transmits the data for outputting the voice according to an action of the character in a scene of the contents data to be transmitted.

Okabayashi teaches

- wherein the data transmission apparatus transmits the data for outputting the voice according to an action of the character in a scene of the contents data to be transmitted (Okabayashi, doll has a speaker [0005] and software executed on CPU (101) outputs voice on speaker (106) [0113]).

Regarding **Claim 25 (New)**: Katoh discloses

- wherein the data according to the toy is contents data relating to a cartoon, an animation, a game or a movie, where a character according to

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a appearance of the toy itself appears (Katoh, storage medium stores data relating to an animation character printed on the surface of the doll that can be accessed over the network [P8:8-P9:3]).

Katoh fails to explicitly disclose

- wherein the data transmission apparatus transmits the data for operating the operation unit according to an action of the character in a scene of the contents data to be transmitted.

Okabayashi teaches

- wherein the data transmission apparatus transmits the data for operating the operation unit according to an action of the character in a scene of the contents data to be transmitted (Okabayashi, driving circuits (203) and (204) drive driving means (206) according to signals received by interface (201) [0114]).

Regarding **Claim 27 (New)**: Katoh discloses a data transmission method comprising steps of determining whether identification data is registered or not by a data transmission apparatus and transmitting data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus detects the connecting of the toy as claimed in claim 18 (Katoh, the reader detects the toy information [P53:24-

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P54:12]), reads the identification data and the communication start data from the toy when the connecting of the toy is detected (Katoh, read ID code (step S3) [P37:10-25] and [Fig. 19]), and transmits the identification data to the data transmission apparatus on the basis of the read communication start data (Katoh, the CPU 101 will read the ID code from the toy 300 through the reader (200) by executing the toy recognition program (106a) (step S3) [P37:10-25] and [Fig. 19]),

- wherein the data transmission apparatus determines whether the transmitted identification data is registered or not (Katoh, CPU (101) judges whether the toy data is present in the stored toy data (106f) (step S4) [P37:10-25] and [Fig. 19]), and transmits another part of the contents data to the communication apparatus when the identification data is registered (Katoh, if there is toy data for the ID code, the data is read out (step S6) [P37:10-25] and [Fig. 19]).

Katoh fails to explicitly disclose

- in which another part of the contents data includes data for outputting a voice from the voice output unit, and wherein the communication apparatus outputs the transmitted data for outputting the voice to the toy.

Okabayashi teaches

- in which another part of the contents data includes data for outputting a voice from the voice output unit, and wherein the communication apparatus outputs the transmitted data for outputting the voice to the toy

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(Okabayashi, doll has a speaker [0005] and software executed on CPU (101) outputs voice on speaker (106) [0113]).

Regarding **Claim 28 (New)**: Katoh further discloses

- wherein the data transmission apparatus transmits the data for outputting the voice corresponding to an action of the character in a scene of another part of the contents data to be transmitted (Katoh, if there is toy data for the ID code, the data is read out (step S6) [P37:10-25] and [Fig. 19]).

Regarding **Claim 30 (New)**: Katoh discloses a data transmission system in which a data transmission apparatus determines whether identification data is registered or not and transmits data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus comprises;
- a connecting unit capable of connecting with the toy as claimed in claim 14 (Katoh, reader (200) [P20:9-P21:7] and [Fig. 11]);
- a detecting means for detecting the connection of the toy with the connecting unit (Katoh, coil (202) [P33:3-13] and [Fig. 11]);
- a data reading means for reading the identification data and the communication start data from the toy when the detecting means detects

the connection of the toy (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]); and

- a transmitting means for transmitting the identification data to a data transmission apparatus on the basis of the communication start data read by the data reading means (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]),
- wherein the data transmission apparatus comprises;
- a determining means for determining whether the transmitted data is registered or not (Katoh, CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]); and
- a data transmitting means for transmitting data according to the toy to the communication apparatus when the determining means determines that the identification data is registered, in which the data according to the toy includes data for controlling the light emission unit (Katoh, CPU 101 reads out the toy data from the stored toy data (106f) (step S6) [P37:10-25] and [Fig. 19]).

Katoh fails to explicitly disclose wherein the communication apparatus further comprises;

- a means for outputting the transmitted data for controlling the light emission unit to the toy.

Okabayashi teaches wherein the communication apparatus further comprises;

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- a means for outputting the transmitted data for controlling the light emission unit to the toy (Okabayashi, doll (200) receives operating data and drives LED (207) [0124]).

Regarding **Claim 31 (New)**: Katoh discloses a data transmission system in which a data transmission apparatus determines whether identification data is registered or not and transmits data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus comprises;
- a connecting unit capable of connecting with the toy as claimed in claim 15 (Katoh, reader (200) [P20:9-P21:7] and [Fig. 11]);
- a detecting means for detecting the connection of the toy with the connecting unit (Katoh, coil (202) [P33:3-13] and [Fig. 11]);
- a data reading means for reading the identification data and the communication start data from the toy when the detecting means detects the connection of the toy (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]); and
- a transmitting means for transmitting the identification data to the data transmission apparatus on the basis of the communication start data read by the data reading means (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]),

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- wherein the data transmission apparatus comprises;
- a determining means for determining whether the transmitted data is registered or not (Kato, CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]); and
- a data transmitting means for transmitting data according to the toy to the communication apparatus when the determining means determines that the identification data is registered (Kato, CPU 101 reads out the toy data from the stored toy data (106f) (step S6) [P37:10-25] and [Fig. 19]).

Kato fails to explicitly disclose

- in which the data according to the toy includes data for outputting a voice from the voice output unit, and
- wherein the communication apparatus further comprises;
- a means for outputting the transmitted data for outputting the voice from the voice output unit to the toy.

Okabayashi teaches

- in which the data according to the toy includes data for outputting a voice from the voice output unit (Okabayashi, doll has a speaker [0005] and software executed on CPU (101) outputs voice on speaker (106) [0113]), and
- wherein the communication apparatus further comprises;

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- a means for outputting the transmitted data for outputting the voice from the voice output unit to the toy (Okabayashi, doll (200) receives operating data and drives LED (207) [0124]).

Regarding **Claim 32 (New)**: Katoh discloses a data transmission system in which a data transmission apparatus determines whether identification data is registered or not and transmits data to a communication apparatus (Katoh, read ID code (step S3) and subsequently CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]),

- wherein the communication apparatus comprises;
- a connecting unit capable of connecting with the toy as claimed in claim 16 (Katoh, reader (200) [P20:9-P21:7] and [Fig. 11]);
- a detecting means for detecting the connection of the toy with the connecting unit (Katoh, coil (202) [P33:3-13] and [Fig. 11]);
- a data reading means for reading the identification data and the communication start data from the toy when the detecting means detects the connection of the toy (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]); and
- a transmitting means for transmitting the identification data to the data transmission apparatus on the basis of the communication start data read by the data reading means (Katoh, interrogator control section (204) [P33:3-13] and [Fig. 11]),

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- wherein the data transmission apparatus comprises;
- a determining means for determining whether the transmitted data is registered or not (Kato, CPU (101) judges whether the toy data corresponding to the ID is present in the stored toy data (step S4) [P37:10-25] and [Fig. 19]); and
- a data transmitting means for transmitting data according to the toy to the communication apparatus when the determining means determines that the identification data is registered, in which the data according to the toy includes data for operating the operation unit (Kato, CPU 101 reads out the toy data from the stored toy data (106f) (step S6) [P37:10-25] and [Fig. 19]).

Kato fails to explicitly disclose

- wherein the communication apparatus further comprises;
- a means for outputting the transmitted data for operating the operation unit to the toy.

Okabayashi teaches

- wherein the communication apparatus further comprises;
- a means for outputting the transmitted data for operating the operation unit to the toy (Okabayashi, driving circuits (203) and (204) drive driving means (206) according to signals received by interface (201) [0114]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WERNER GARNER whose telephone number is (571) 270-7147. The examiner can normally be reached on M-F 7:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

/W. G./
Examiner, Art Unit 3714